

18 Oct 19

From: Rear Admiral (b) (6) (7)(C) U.S. Navy
To: Commander, U.S. SECOND Fleet

Subj: PRELIMINARY INQUIRY INTO ALLEGATIONS OF MISCONDUCT ICO RDML ERIK ROSS ON 21
SEPTEMBER 2019

Ref: (a) JAGMAN Section 0203
(b) UCMJ

- Encl:
- (1) Appointing Order from U.S. Second Fleet dtd 26 Sep 19
 - (2) Transcript of Interview with RDML Erik Ross
 - (3) Statement by RDML (b) (6) (7)(C)
 - (4) Statement by RDML (b) (6) (7)(C)
 - (5) Statement by RDML (b) (6) (7)(C)
 - (6) Video of Breezeway at NGIS of 21 September 2019
 - (7) Statement by MAC (b) (6) (7)(C)
 - (8) Statement by (b) (6) (7)(C)
 - (9) Incident Report (b) (6) (7)(C) Rev 1
 - (10) INTOX EC/IRII:Evidential Test (BAC) ICO RDML Erik Ross
 - (11) Photo of Bodily Fluids ICO RDML Erik Ross
 - (12) Permissive Authorization for Search and Seizure ICO RDML Erik Ross
 - (13) Statement by MA1 (b) (6) (7)(C)
 - (14) Budget Rental Car Receipt ICO RDML Erik Ross
 - (15) Statement by RDML (b) (6) (7)(C)
 - (16) Statement by Sergeant (b) (6) (7)(C)
 - (17) Acknowledgement & Waiver of Rights ICO RDML Erik Ross dtd 21 Sep 19
 - (18) Article 31 Rights ICO RDML Erik Ross dtd 20 Oct 19
 - (19) Google Map – NGIS Mid-South to Memphis International Airport
 - (20) Statement by CAPT (b) (6) (7)(C)
 - (21) Phone Time Stamps JPEG Image

1. This reports completion of the preliminary inquiry conducted in accordance with reference (a) into the discovery of RDML Erik Ross drunk and naked outside his hotel room at the Navy Gateway Inns and Suites (NGIS) following a night of drinking and his subsequent driving to the airport shortly thereafter while likely still under the influence of alcohol.

2. Personnel Contacted:

- a. RDML Erik Ross, former Commander, Expeditionary Strike Group 2
- b. CAPT (b) (6) (7)(C) NSA Mid-South
- c. MAC (b) (6) (7)(C) NSA Mid-South
- d. Sergeant (b) (6) (7)(C) NSA Mid-South
- e. MA1 (b) (6) (7)(C) NSA Mid-South
- f. RDML (b) (6) (7)(C)
- g. RDML (b) (6) (7)(C) USTRANSCOM

- h. RDML (b) (6) (7)(C) USCYBERCOM
- i. RDML (b) (6) (7)(C)

3. Materials reviewed:

- a. Initial summary of incident (email)
- b. Security Department Incident Report
- c. Video/Photographic evidence of scene
- d. BUDGET Rental Car receipt for RDML Erik Ross
- e. Phone Time Stamp Photo (with RDML (b) (6) (7)(C))

4. Summary of findings:

- a. At approximately 2300 on 20 September 2019, following completion of the Selection Board to which RDML Erik Ross was assigned, he met with several other board members in the breakfast room of the Navy Gateway Inns & Suites (NGIS) at NSA Mid-South in Millington, TN. Enclosures (2), (3), (4), (5).
- b. One member, RDML (b) (6) (7)(C) brought a cooler of beer and RDML Erik Ross brought a bottle of bourbon. Several other members brought additional bottles of alcohol and snacks. During the gathering, RDML Ross reportedly consumed two beers and three glasses of bourbon. Enclosures (2), (3), (4), (5).
- c. Sometime between midnight and 0100, RDML Ross returned to his room. The room RDML Ross was staying in (Room 213 of BLDG 451) shares a common foyer area with two other rooms and also requires a room key card to access. Enclosure (2).
- d. At 0621 on 21 September, RDML Ross exited the foyer area naked and subsequently moved about the second level of the NGIS naked while periodically returning to the outer door area of the entrance to his room. Enclosure (6).
- e. At approximately 0640, RDML Ross was discovered by another resident, a retired Air Force Sergeant, in the vicinity of the stairwell near his room on the second floor. The resident reported a suspicious person to the NGIS front desk which prompted security personnel to respond. Enclosures (6), (7), (8), (13), (16).
- f. At 0649, RDML Ross was found by security personnel on the second level breezeway of NGIS. Enclosures (6), (7), (13), (16).
- g. Security personnel also discovered urine and feces in the vicinity of the doorway to the foyer. Enclosures (7), (11), (13), (16).
- h. After verifying his identity and allowing RDML Ross to get dressed, he was transported to the security department at 0825. Enclosures (7), (9), (13), (16).
- i. After obtaining RDML Ross' consent, security personnel administered a BAC test where his BAC level was determined to be .140 at 0928. Enclosures (7), (9), (10), (12).
- j. Based on the BAC result, the (b) (6) (7)(C) MAC (b) (6) (7)(C) recommended that RDML Ross change his travel plans as it would not be safe/legal to drive to the airport. At all times during his interactions with security, RDML Ross was considered very cooperative and apologetic. Enclosures (2), (7), (9), (13).
- k. At approximately 1000, RDML Ross was returned to his room by security personnel. Enclosure (9), (13).
- l. At approximately 1100, RDML (b) (6) (7)(C) saw and briefly spoke to RDML Ross in the parking lot of NGIS confirming that RDML Ross had departed his room. Enclosure (4).

- m. At 1112, RDML Ross talked to RDML (b) (6) (7)(C) via cell phone where RDML Ross indicated that he was on the road and had 10-15 minutes left in his trip to the airport. Enclosures (2), (15), (21).
- n. At 1155, RDML Ross returned his rental car with a full tank of gas to Budget Rent a Car at the Memphis International Airport. Enclosure (14).

5. Opinions:

- a. Regarding the elements of Article 113 of ref (b) - Drunken or Reckless Operation of a Vehicle:
 - (1) RDML Ross was operating a motor vehicle during his trip to the Memphis International Airport to return his rental car.
 - (2) Considering that less than 2 hrs. had gone by since the BAC reading of 0.14 at 0929, RDML Ross was likely above the Tennessee legal limit for BAC of 0.08, during the drive to the airport.
 - a. Although RDML Ross does not recall exactly when he left for the airport, he was seen in the parking lot at 1100 by RDML (b) (6) (7)(C) and the rental car return receipt showed that RDML Ross' car was returned at 1155. Taking into consideration that it takes approximately 30-45 minutes (enclosure (19)) to drive to the airport from the NGIS, the latest he could have left the NGIS is approximately 1125. Taking into account the rental car receipt shows no charge for gas, it is likely that he stopped for gas as well which would move his departure time even closer to 1100.
 - (3) Other considerations:
 - a. Security personnel did warn RDML Ross to not drive with the BAC of 0.14 and recommended that he change his travel plans.
- b. Regarding the elements of Article 133 of ref (b) – Conduct Unbecoming of an Officer and a Gentleman:
 - (1) RDML Ross did fail to limit his alcohol consumption to a reasonable level. Specifically, he drank to a point of impairment such that he did not recognize he was leaving his NGIS room without any clothes and subsequently relieved himself in a public area.
 - (2) RDML Ross was observed walking about naked by at least two NGIS guests, one NGIS Staff Member and several Security Personnel.
 - (3) In my opinion, the act of walking about the NGIS breezeway naked and urinating/defecating in the passageway is not in line with the behavior expected of an Officer and a Gentleman and does dishonor both to RDML Ross and the Navy.
 - (4) Other considerations:
 - a. RDML Ross opined that he was fatigued and in combination with his alcohol consumption he thought he may have been sleepwalking when he exited his NGIS room. He reported that although he has no recent history of sleepwalking, his mother informed him that he had done so when he was in High School and College.
 - b. Based on the discovery of his clothes in the foyer and the bodily fluids outside his room, it is possible that due to fatigue and the influence of alcohol he thought the foyer was his room and the door leading outside the foyer was the door to the bathroom and thus locked himself out of his room in attempt to relieve himself in what he thought was the bathroom.

- c. Regarding the elements of Article 134 of ref (b) – General Article:
 - a. RDML Ross did fail to limit his alcohol consumption to what would be considered reasonable. His drinking and subsequent actions (naked in public space, defecating in a public area, driving while impaired) were prejudicial to good order and discipline and brought discredit upon himself and the Navy.

(b) (5)

(b) (6) (7)(C)



DEPARTMENT OF THE NAVY
UNITED STATES SECOND FLEET
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NORFOLK VA 23551-2334

5830
Ser N00/002
26 Sep 19

From: Commander, U.S. SECOND Fleet

To: Rear Admiral (b) (6) (7)(C) U.S. Navy

Subj: PRELIMINARY INQUIRY INTO ALLEGATIONS OF MISCONDUCT ICO RDML
ERIK ROSS ON 21 SEPTEMBER 2019

Ref: (a) JAGINST 5800.7F, Manual of the Judge Advocate General of 26 August 2019

(b) Synopsis of Events ICO RDML Erik, Ross, on 21 September, 2019 from
(b) (6) (7)(C) NSA Mid-South

1. Pursuant to reference (a), you are hereby appointed to complete a preliminary inquiry into the facts and circumstances surrounding the incident described in reference (b).
2. Report your findings of fact, opinions, and recommendations to me by 11 October 2019, unless an extension of time is granted. If you have not done so already, review Chapter II of reference (a) in its entirety before beginning your investigation.
3. LCDR (b) (6) (7)(C) U.S. Navy, is appointed as your legal advisor for this inquiry.

(b) (6) (7)(C)

Subj: SUMMARY TRANSCRIPT OF THE RDML ERIK ROSS INTERVIEW OF 2 OCTOBER 2019

Note: Interview was conducted by the Preliminary Inquiry Officer, RADM (b) (6) (7)(C) on 2 October. LCDR (b) (6) (7)(C) assisted as the Legal Advisor.

Start of Interview Summary Transcript:

RADM (b) (6) (7)(C) explained to RDML Ross explained the goals of the Preliminary Inquiry and read RDML Ross his Article 31 rights. RDML Ross acknowledged and waived his Article 31 rights.

RDML Ross asked whether his questioning would go toward his statement.

In response, LCDR (b) (6) (7)(C) explained that he could choose that option, but that he could also provide a written statement if he desired. RDML Ross declined.

RADM (b) (6) (7)(C) asked RDML Ross to start off the interview by walking through his day on 20 September leading up the incident, to include how his day started, when the drinking started, when he was discovered and ultimately the trip to the airport.

RDML Ross: I was there for two boards and one of the boards finished on Thursday and they begin working through records on the second board. Friday I spent time going straight into the board, starting at 0700-0730. It was a board that was complex. Right after lunch 1300-1400, they made an announcement that those there for the (b) (6) (7)(C) were done for the day. I don't know, 1400 or 1330. I was back in his room at 1430 or 1515, but one of the LTs setting up the board said that they had done analysis and they would be going back in that day to finish and get them out on their original flights. Asked to come back over at 1900 and that at 2200, they could get it done. I was changing to go get a workout in, but stopped what I was doing and got ready to go back in after going to eat a sandwich at about 1815. Think I sat down with (b) (6) (7)(C) and we then went back over at 1900 for the board.

We finished the board at 2200 and then someone said to rally down at the NGIS lobby were they have breakfast and celebrate finishing the board.

A couple of us ended up staying well past 2200. For me it was about 2240 because they were still having flights changed. Me and (b) (6) (7)(C) ended up getting back then, then I went and joined the rest of the folks down at the lobby right after I got back to his room.

I had gotten a bottle of bourbon earlier in the week, so I brought that down. Other people had bottles, somebody had a cooler of beer. And we commenced celebrating the board. Down by the breakfast area.

That was my first mistake – should have just gone to sleep. I was exhausted. I had a cold earlier in the week, but that wasn't an excuse for what I ended up ultimately doing. I was exhausted though.

I had probably 2 beers and then I had about 3 glasses of bourbon and somewhere around after midnight, some of the folks were getting up and starting to leave. I got up to my room. The only reason I know I got up to my room is because I ended up waking up earlier – probably trying to find the head- and ended up going out the wrong door and my wallet and key card were still in the room. That's when I went from not good to worse. And then somewhere through the middle of the night, I woke up

having been sleepwalking outside the door and I couldn't get back in. So I started pounding on some doors and then eventually the police came and took me back into the room. Helped me get dressed and took me over to the precinct.

So that's the part of it.

RADM (b) (6) (7)(C) Okay. Talk a little bit about what happened at the precinct. What they told you/didn't tell you, being dropped back off at the BOQ and then the trip back up to the airport

RDML Ross: Yeah I was over there for a couple of hours in the morning. They had me in a cooling off period. They didn't handcuff me, but they drove me over there. At about 0920-0930, they did a Breathalyzer and said it was about a 1.4. Either the precinct captain or the younger guy reminded me that if I were to drive later and if I were to be pulled over by a police officer, I could be intoxicated depending on how long from me being in the precinct it was. From there I had, I'm estimating, anywhere from an hour and 45 minutes to 2 hours of time. He escorted me back to the room. I was tired.

RADM (b) (6) (7)(C) Do you know what time that was?

RDML Ross: I think it was about 930-940 I think. To be honest, not exactly sure when I arrived at the precinct. That's just part of the memory lapse. When I left, I go back to the room, I realized I should probably get some sleep, so I slept for about half an hour and woke up thinking about everything like the end of the world. But then I took a shower, packed up and ate a bag of trail mix, a Keen bar and a cup of coffee. I left the room at 1120. I walked out into the breezeway. I didn't go through the lobby, I was wondering if there was going to be the tram or trolley going to the airport. Didn't see it so this is when I made my second major judgement error.

All I could think about was that I wanted to get out of there go home and go see my wife. And I know that wasn't the responsible thing to do but then that's what I did. Someone came and talked to me for a bit and then I got in the truck at about 1130. I got to budget at 1155. Then I got a call from (b) (6) (7)(C) about 10 minutes into the drive. He said "Hey brother I need you to call me as soon as you get to the airport." I said roger, so that's what I did.

RADM (b) (6) (7)(C) Were you at the airport when you got that call?

RDML Ross: No I got one call while driving and I think I got a call or text from (b) (6) (7)(C) along the line, but I ended up calling Rick (RDML (b) (6) (7)(C)) when I got to the airport. Because that's what he asked me to do. But the first call I got was shortly after I left NSA Millington. And frankly it was all about the flight and I know that I should have just rescheduled the flight or call somebody and ask them to take me where I needed to be. I made a judgment call that wasn't a good one. Luckily I didn't kill anybody but it wasn't the right call to make and I understand that.

RADM (b) (6) (7)(C) Okay. I have some additional questions then. So you say you started drinking at roughly 2250 or so?

RDML Ross: Somewhere around there. Somewhere between a quarter to and 2300.

RADM (b) (6) (7)(C) just confirming that it was roughly 2 beers and 3 glasses of bourbon?

RDML Ross: Yeah, I'd say two fingers of bourbon with ice.

RADM (b) (6) (7)(C) What size bottle was it?

RDML Ross: It was Basel Hayden's

RADM (b) (6) (7)(C) What's that? What size?

RDML Ross: It was the regular size bottle of liquor. I don't know - It was a regular liquor sized bottle.

RADM (b) (6) (7)(C) about how many ounces would you say you drank?

RDML Ross: I don't know about 6 to 8. I would kind of need to know the contents of the bottle. Of a bottle. Unfortunately, I haven't memorized it.

RADM (b) (6) (7)(C) Okay, you basically began with beer first and then shifted over to bourbon?

RDML Ross: Yes, I think I had a pale ale

RADM (b) (6) (7)(C) Was the bottle empty when you were done then?

RDML Ross: Well a couple of people were having some of it as well. There were probably 3 to 4 bottles down there.

RADM (b) (6) (7)(C) You think you went back to your room roughly when?

RDML Ross: I think it was after midnight. Someone had just left. I forget who. Said, I have an early flight tomorrow. He walked out shortly after midnight.

RADM (b) (6) (7)(C) After midnight, but before one or two?

RDML Ross: I would say before 1, but at that point in time I was probably tired and drunk and probably not thinking straight. But yeah that's probably accurate - before one.

RADM (b) (6) (7)(C) Do you remember any of the other individuals there drinking with you?

RDML Ross: Some of them. (b) (6) (7)(C) - he didn't stay long. (b) (6) (7)(C) was there. He left before I did. (b) (6) (7)(C) something, he is the guy that left pretty early, right before midnight.

(b) (6) (7)(C) Who was the last guy to leave before you? Was there anyone still there when you left?

RDML Ross: Yeah I think so, but I can't remember which ones. Maybe (b) (6) (7)(C) I think I left before him, but I can't remember. We didn't go out because it was pretty late.

RADM (b) (6) (7)(C) When the initial patrolman discovered you, what was your condition?

RDML Ross: I was outside by a door and I was pretty much naked. It wasn't my door, it was around the corner closer to where the stairs go down to the lobby on the second deck. They escorted me back to my room

RADM (b) (6) (7)(C) And do you know why your clothes were in the foyer? Were in your room?

RDML Ross: No I don't. I do know that I couldn't find my room card which might have been in my clothes.

RADM (b) (6) (7)(C) And you said it was with Budget? The rental car?

RDML Ross: It was budget. It was a Dodge Ram 5.7 litre. It was red. There were about four of us riding around in Dodge Rams.

It was kinda funny the number of Dodge Ram trucks in the board parking lot. We thought we were about to go down the highway and make a commercial together or something. I'm sorry.

RADM (b) (6) (7)(C) While you were at security do you recall exactly what they told you regarding driving or not driving?

RDML Ross: Yes, I remember that one gentleman told me twice that if you drive you could still be intoxicated. And if you are pulled over, you can get arrested for DUI.

RADM (b) (6) (7)(C) Did he advise you not to drive?

RDML Ross: Yeah, he did. He advised me not to drive. He didn't order me not to drive, but he advised me not to - that I could get pulled over for a DUI.

RADM (b) (6) (7)(C) Okay. You said you got back to your room around 1000, does that check?

RDML Ross: Yeah, that's close. I mean I thought it was a quarter to, but...

RADM (b) (6) (7)(C) You said you departed to the airport at 1120-ish?

RDML Ross: Yeah, somewhere around 1125 and 1130.

RADM (b) (6) (7)(C) Okay. How certain are you of that?

RDML Ross: I don't know. I'm relatively certain.

RADM (b) (6) (7)(C) Is there a chance we can get your rental car receipt? The only reason I say that is I have indications that (b) (6) (7)(C) went to your room at about 1015 and there was no one there.

RDML Ross: Okay. I think I still have the budget receipt. Would that be helpful?

RADM (b) (6) (7)(C) That would be very helpful.

RDML Ross: Okay. And who went to my room?

RADM (b) (6) (7)(C) The (b) (6) (7)(C)

RDML Ross: Okay, I don't recall that.

RADM (b) (6) (7)(C) The (b) (6) (7)(C) and (b) (6) (7)(C) went up to your room at some point. Do you have your cell phone with you?

RDML Ross: No, not in this space. It's in my car.

RADM (b) (6) (7)(C) The other time that is discrepant is Admiral (b) (6) (7)(C) said that the missed call was at 1108 and you returned at 1110. Again, slightly off the sequence that you talked about. So it would be helpful if you can identify his number and refresh your memory as to when you got that call. The other thing is that Admiral (b) (6) (7)(C) said that when he did talk to you, that you were not at the airport yet and he recommended that you should pull over.

RDML Ross: No I wasn't at the airport yet and I don't recall him saying I should pull over but given where my head was, I guess. I don't remember, obviously it's possible that he said it because I know him very well.

RADM (b) (6) (7)(C): Do you have a sense of why you took your clothes off and left them in the foyer?

RDML Ross: I do not. I thought that I had left them in my room going to sleep. I sometimes sleep with no clothes on, so that would be my thought and frankly I thought I got into the room and slept walked out of the room. So potentially I could have taken them off coming in or taken them off going out. I don't know. It would make sense that if I took them off coming out of my room that explains why I didn't have my card. Because when I was out of the suite space, I couldn't get back in. So I guess it is potential that the sequence was a different way.

RADM (b) (6) (7)(C): Do you have any history of sleepwalking?

RDML Ross: Yeah, my mom reminded that I had a history of sleepwalking when I was a kid. But not recently. I probably did a little in high school and maybe once or twice in college. But I haven't sleptwalked in quite some time.

RADM (b) (6) (7)(C): And you did confirm that you were aware of the BAC that happened at roughly 0900, the first one being .14 and the second one being at .144, is that correct?

RDML Ross: All I remember was the .14, but yes.

RADM (b) (6) (7)(C): and you understood at the time that that was above the state legal limit?

RDML Ross: Yes, I know that the Tennessee limit is .08.

RADM (b) (6) (7)(C): Was there any other medications that you were on at that time that could have potentially contributed to sleepwalking?

RDML Ross: Oh, I had been taking some medications for a period of time. The only thing that was different was that I was taking Acetaminophen up until probably Thursday for a cold that I had that started Monday.

RADM (b) (6) (7)(C): Okay. That's all my questions. Thanks for your time.

*** **END OF INTERVIEW** ***

3 October 2019

From: RDML (b) (6) (7)(C) USN

Subj: STATEMENT REGARDING THE EVENTS OF 20 SEPTEMBER 2019

1. This statement is provided as a summary of my phone interview with RADM (b) (6) (7)(C) on 3 October, 2019 as part of a preliminary investigation into the events of 20 September, 2019 at the NGIS Gateway Inn and Suites at NSA Millington, TN.
2. I was TAD to NSA Millington as a member for selection board duties. On Friday, 20 September, the board I was participating in convened at 0745. At approximately 1300, the panel I was part of, was released for the day based on tank scheduling and expected to return on Saturday morning to finish board proceedings. Later that afternoon, I received notification that my panel would actually return at 1900 on Friday evening to complete the board. Upon completion of selection board duties at approximately 2130-2145, a group of the participating members met in the breakfast room in the lobby of the NGIS for a "hot wash" social prior to returning to home locations on Saturday. Members began arriving between 2200-2230.
3. The evening consisted of the group sitting around two tables with drinks, snacks, music, and TV on in the background. RADM (b) (6) (7)(C) asked me if RDML Erik Ross had brought a bottle of bourbon to the break room that night. I recall him arriving with a regular-sized bottle of bourbon that I believe was at least half full but had been opened prior to that night. The bottle was shared among members there at the social and finished that evening in the breakfast room. There were other drinks brought by members for the group (I had purchased beer earlier in the day to share).
4. To my recollection, members began leaving the room individually around 2330-0001 based on travel plans. I was one of the last to leave after cleaning up the break area and returned to my room at approximately 0030. I do not recall anything occurring out of the ordinary or indications of any problems with anyone as I returned to my room that night.
5. On Saturday morning, I checked out of the NGIS around 0800, had breakfast in the lobby area, and departed via POV for Scott AFB, IL.

(b) (6) (7)(C)

RDML USN

9 Oct 2019

From: RDML (b) (6) (7)(C) USN (b) (6) (7)(C)
To: RADM (b) (6) (7)(C) USN

Subj: PERSONAL STATEMENT

1. On the night of 20SEP19, I left the board building around 2210 and got back to NGIS around 2215. I went to my room, changed, and met some folks around 2230. I was exhausted from the week so I went back to my room for the evening around 2315. Packed and went to sleep. Woke up the next morning (Saturday 21SEP19) checked out and loaded my car. Ran into RDML Eric Ross in the parking lot at approximately 1100. I left for the airport and returned my rental car at 1142. Flew back to San Diego and ended my TDY at 2030.
2. I did witness RDML Ross drinking, but I do not recall what or even if it was alcohol. He did not appear intoxicated when I left or when I saw him the next morning in the parking lot.
3. This statement is an accurate summary of my interview with RADM (b) (6) (7)(C) and is true and complete to the best of my knowledge.

(b) (6) (7)(C)



DEPARTMENT OF DEFENSE
UNITED STATES CYBER COMMAND
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FORT GEORGE G. MEADE, MARYLAND 20755

9 October 2019

From: RDML (b) (6) (7)(C) U.S. Cyber Command
To: RADM (b) (6) (7)(C) Preliminary Investigating Officer
Subj: SUMMARY OF INTERVIEW OF 4 OCTOBER 2019

1. On 4 October 2019 at approximately 0630, I was interviewed by RADM (b) (6) (7)(C) as part of a Preliminary Investigation into misconduct by RDML Erik Ross. The following is a summary of that interview:

a. On Friday 25 Sep, I attended a social gathering in the meal room of the NIGIS in Millington, TN. The group in attendance had just completed a week of TDY work with NPC. Our work concluded at approximately 2200 that evening. I arrived at the gathering at approximately 2230-2245. There were approximately 8-12 other officers in attendance, all of whom were part of the team that completed work at 2200. There was a cooler full of beer, water, and ice on one table and several snacks, a bottle of bourbon, and I believe a bottle of wine on another table. The cooler contained between 12-24 bottles of beer and several bottles of water, and I believe the bourbon bottle was approximately half full.

b. When I arrived, I grabbed a beer from the cooler and sat down at the table with my colleagues. RDML Erik Ross was in attendance, and was sitting directly across from me at the table. I stayed for approximately 45-60 minutes and then departed earlier than most (approximately 2315-2330) because I had a very early flight the next morning. The group was relaxing, unwinding from a long week of work, discussing current jobs and challenges, and plans to return home the following day. RDML Ross was a part of those conversations. During my time at the gathering, no one appeared intoxicated. All of those in attendance were in a good mood, looking forward to getting home the following day, and pleased with the work accomplished during the TDY.

c. I recall RDML Ross drinking bourbon from a plastic cup while I was there. There appeared to be approximately one to two ounces of bourbon in the cup. I do not recall if he refilled the cup while I was there. He may have, but may not have. I do not know how much he had consumed before my arrival. I had a brief conversation with RDML Ross about our current jobs. He did not appear to be intoxicated during that conversation.

d. I am not aware of any details of any other events that may have occurred after I left. Please let me know if you have any additional questions.

2. I can be reached at my work phone or email: (b) (6) (7)(C)
or on my mobile phone (b) (6) (7)(C) if there are any additional questions.

(b) (6) (7)(C)

RDML USN

09 October 2019

At approximately 0700 on 21SEP2019, Regional Dispatcher Center (RDC) notified NSA Mid-South Security, via radio, of a suspicious caucasian male walking around Navy Gateway Inn and Suites (NGIS) unclothed (BLDG. 752); At approximately 0705, Security Patrols located and met with ROSS, ERIK M/O-7 (SUSPECT) on the second floor balcony/gangway of BLDG. 451. ROSS was standing outside of the exterior entrance to a foyer entry door completely unclothed, standing in urine and fecal matter. MA1 (b) (6) (7)(C) called (b) (6) (7)(C) and requested his response.

At approximately 0815, I interviewed RDML Ross in RM 213 of NGIS. I asked him about the events leading to the incident. RDML Ross stated he had been out the night before and drank two beers and some bourbon with four or five other Admirals (Ross declined to identify the other Admirals). He returned to his room around 0030. RDML Ross stated he had been sleepwalking and woke up outside. I asked RDML Ross if he had issues sleepwalking in the past. RDML Ross stated not in a long time. I asked RDML Ross if he thought he was still intoxicated. He stated no. I asked RDML Ross if he was currently taking any medications. RDML Ross stated yes. I asked RDML Ross if any of his current medications stated not to consume alcohol when taking the medications. RDML Ross stated, I'm unsure, that is a good question I should ask my medical provider. I asked RDML Ross if he wanted to hurt himself or anyone else. RDML Ross stated no. I asked RDML Ross if he would consent to a breath testing to determine if ROSS was still intoxicated. RDML Ross stated yes and complied with being detained and the breath testing.

At approximately 0825, MA1 (b) (6) (7)(C) transported RDML Ross to BLDG. 237 (Security) for a Blood Alcohol Content (B.A.C) reading.

At approximately 0907, I obtained Permissive Authorization for Search and Seizure (OPNAV 5580/16) from RDML Ross.

At approximately 0908, I commenced the observation period for the B.A.C test.

At approximately 0914, I informed RDML Ross of his Military Waiver of Rights (OPNAV 5580/3).

At approximately 0929, I obtained RDML Ross B.A.C readings of .140 and .144.

At approximately 0933 RDML Ross completed testing.

At approximately 0952 RDML Ross informed me that he (RDML Ross) had a flight at Memphis Airport at 1200 and needed to return his rental car. I advised RDML Ross not to drive. I stated with his (RDML Ross) current B.A.C level he (RDML Ross) is twice the legal limit for B.A.C and it is illegal for him (RDML Ross) to drive. He (RDML Ross) would be breaking the law, risking a D.U.I or possibly hurting or killing himself or someone else. RDML Ross acknowledged and stated he would reach out to the Wood Hall travel specialist and get his flight moved to the next day.

At approximately 1000 RDML Ross was taken back to NGIS.

(b) (6) (7)(C)

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE

NSA WASHINGTON NAVY GATEWAY

2. DATE

21 Sept 19

(b) (6) (7)(C)

, make the following

free and voluntary statement to

Sgt (b) (6) (7)(C)

whom I know to be

DEPARTMENT OF NAVY POLICE OFFICER

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

Incandescent Explosive. I saw this man walking naked on the second floor of the Navy Lodge Gateway Inn as my wife and I came out of the room.

I immediately took my wife down the stairs to avoid the naked man. Then I observed him walking toward the elevator area as I was going to the front Office to report the incident. End of Statement.

This statement is true and complete to the best of my knowledge.

This statement consists of 01 pages.

Sworn and subscribed to me at 0815 on 21 Sept 19

(b) (6) (7)(C)

9/21/19

08:15

Sgt (b) (6) (7)(C)

(Signature)

(Date)

(Time)

(Signature)

At approximately 0825, (b) (6) (7)(C) transported ROSS to BLDG. 237 (Security) for a Blood Alcohol Content (B.A.C) reading.

At approximately 0826, (b) (6) (7)(C) arrived at BLDG. 237 and placed in Interview Room 31.

At approximately 0907, (b) (6) (7)(C) obtained Permissive Authorization for Search and Seizure (OPNAV 5580/16) from ROSS. (Enclosure #4)

At approximately 0908, (b) (6) (7)(C) commenced the observation period for the B.A.C test.

At approximately 0914, (b) (6) (7)(C) informed ROSS of his Military Waiver of Rights (OPNAV 5580/3). (Enclosure #5)

At approximately 0929, (b) (6) (7)(C) obtained ROSS B.A.C readings of .140 and .144. (Enclosure #6)

At approximately 0933 ROSS completed testing.

At approximately 0952 ROSS informed (b) (6) (7)(C) that he (ROSS) had a flight at Memphis Airport at 1200 and needs to return his rental car. (b) (6) (7)(C) advised ROSS not to drive. (b) (6) (7)(C) stated with his (ROSS) current B.A.C level he (ROSS) is twice the legal limit for B.A.C and it is illegal for him (ROSS) to drive. He (ROSS) would be breaking the law, risking a D.U.I or possibly hurting or killing himself or someone else. ROSS acknowledged and stated he would reach out to the Wood Hall travel specialist and get his flight moved to the next day.

At approximately 1000, (b) (6) (7)(C) transported ROSS back to BLDG. 451.

At approximately 1002, (b) (6) (7)(C) cleared scene. Patrol action complete.

ENCLOSURE(S)

ENCL #	DESCRIPTION
1	PHOTOGRAPHIC ENCLOSURE OF BODILY FLUIDS ROSS
2	OPNAV 5580/2 VOLUNTARY STATEMENT ROSS
3	OPNAV 5580/2 VOLUNTARY STATEMENT (b) (6) (7)(C)
4	OPNAV 5580/16 PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE ROSS
5	OPNAV 5580/3 MILITARY SUSPECTS ACKNOWLEDGEMENT AND WAIVER OF RIGHTS ROSS
6	B.A.C. TESTING RESULTS ROSS

SECTION X. REPORTING/APPROVING OFFICIALS

Reporting Official	Date	Approving Official	Date
		(b) (6) (7)(C) Chief Petty Officer	30-SEP-2019
		(b) (6) (7)(C)	FINAL APPROVED ON 30-SEP-2019

SECTION XI. ADMINISTRATIVE DISPOSITION

Victim/Witness Notification		Incident Status	Date Cleared
0 Victims Notified	0 Witnesses Notified		
Referred To/Assumed By :			
Distribution :			

Branch of Service	Personnel Type	Status	Organization
Navy	MILITARY	Regular (Active)	NSA MID-SOUTH

POLICE OFFICER

Name	Rank
(b) (6) (7)(C)	Chief Petty Officer

Branch of Service	Personnel Type	Status	Organization
Navy	MILITARY	Regular (Active)	NSA MID-SOUTH

POLICE OFFICER

Name	Rank
(b) (6) (7)(C)	

Branch of Service	Personnel Type	Status	Organization
	CIVILIAN	CIVILIAN EMPLOYEE	NSA MIDSOUTH

POLICE OFFICER

Name	Rank
(b) (6) (7)(C)	Petty Officer Second Class

Branch of Service	Personnel Type	Status	Organization
Navy	MILITARY	Regular (Active)	

SECTION IX: NARRATIVE

At approximately 0700 on 21SEP2019, Regional Dispatcher Center (RDC) notified NSA Mid-South Security, via radio, of a suspicious caucasian male walking around Navy Gateway Inn and Suites (NGIS) unclothed (BLDG. 752). (b) (6) (7)(C) responded. After arriving on scene, (b) (6) (7)(C) searched the immediate area of the suspect's last known location. At approximately 0705, (b) (6) (7)(C) located and met with ROSS, ERIK M/O-7 (SUSPECT) on the second floor balcony/gangway of BLDG. 451. ROSS was standing outside of the exterior entrance to a foyer entry door completely unclothed, standing in urine and fecal matter.

At approximately 0706, (b) (6) (7)(C) captured two (2) pictures of the urine and fecal matter. (Enclosure #1)

At approximately 0706, (b) (6) (7)(C) notified SGT (b) (6) (7)(C) he had located ROSS and to have the NGIS front desk verify ROSS was a guest staying in room 213. (b) (6) (7)(C) also requested (b) (6) (7)(C) get a towel from the front desk in order for ROSS to be able to cover himself along with a room key once verification that ROSS was a guest and had authorization to access a room.

At approximately 0708, (b) (6) (7)(C) verified and retrieved access to the NGIS room 213 in BLDG. 451. Once entry to the foyer area was made, (b) (6) (7)(C) noticed clothing scatter about in the area and ask ROSS if the clothing belonged to him. ROSS stated that the clothing was his property and was unaware he had removed his clothing in the area.

At approximately 0710, ROSS retrieved his clothing and wallet from the floor then made entry into his room (213). (b) (6) (7)(C) verified ROSS identity by obtaining his Common Access Card (CAC) and Drivers Licenses. (b) (6) (7)(C)

At approximately 0713, (b) (6) (7)(C) conducted a Field Interview (OPNAV 5580/21) with ROSS and interviewed ROSS to determine why he was outside of his room unclothed. ROSS stated he was unaware he was outside of his room, he was here for a board, tired, stressed and had some beer and bourbon with four or five other Admirals.

At approximately 0802, (b) (6) (7)(C) completed a written Voluntary Statement from ROSS. (Enclosure #2) The following is a summation of his statement: He was here for a board and came back to NGIS. He went and had a few beers and bourbon with four or five other Admirals and returned to his room around 0030, he was exhausted and must have been sleepwalking.

At approximately 0815, (b) (6) (7)(C) completed a written Voluntary Statement from (b) (6) (7)(C) (Enclosure #3) The following is a summation of his statement: I saw a man on the second floor of NGIS as my wife and I were coming out of our room. I immediately took my wife downstairs to avoid the naked man. I saw him walking towards the elevator as I was going to the front desk to report it.

At approximately 0815, (b) (6) (7)(C) interviewed ROSS in RM 213. (b) (6) (7)(C) asked ROSS about the events leading to the incident. ROSS stated he had been out the night before and drank two beers and some bourbon with four or five other Admirals (ROSS declined to identify the other Admirals). He returned to his room around 0030. ROSS stated he had been sleepwalking and woke up outside. (b) (6) (7)(C) asked ROSS if he had issues sleepwalking in the past. ROSS stated not in a long time. (b) (6) (7)(C) asked ROSS if he thought he was still intoxicated. ROSS stated no. (b) (6) (7)(C) asked ROSS if he was currently taking any medications. ROSS stated yes. (b) (6) (7)(C) asked ROSS if any of his current medications stated not to consume alcohol when taking the medications. ROSS stated, I'm unsure, that is a good question I should ask my medical provider. (b) (6) (7)(C) asked ROSS if he wanted to hurt himself or anyone else. ROSS stated no. (b) (6) (7)(C) asked ROSS if he would consent to a breath testing to determine if ROSS was still intoxicated. ROSS stated yes and complied with being detained and the breath testing.

Injury Type(s):

SECTION VI. WITNESS/SPONSOR - WITNESS(S)

WITNESS

DD2701 Issued :

Name (b) (6) (7)(C)	ID Num (b) (6) (7)(C)	Rank Master Sergeant
Branch of Service Air Force	Personnel Type CIVILIAN	Status RETIRED MILITARY
Date of Birth (b) (6) (7)(C)	Place of Birth (b) (6) (7)(C)	
Address (b) (6) (7)(C)		
Organization RET	UIC / RUC	Work Telephone

SECTION VI. WITNESS/SPONSOR - SPONSOR(S)

SECTION VII. SUSPECT(S) / ARRESTEE(S)

SUSPECT

Name ROSS, ERIK MATTHEW	ID Num (b) (6) (7)(C)	Rank Rear Admiral (lower half)
Branch of Service Navy	Personnel Type MILITARY	Status Regular (Active)
Date of Birth (b) (6) (7)(C)	Place of Birth	
Address (b) (6) (7)(C)		
Organization	UIC / RUC	Work Telephone
Known Alias :		

ADDITIONAL SUSPECT / ARRESTEE INFORMATION

Offense(s) Committed by This Suspect/Arrestee:

UCMJ - Article 134 - Disorderly conduct, drunkenness - Principal

SUSPECT / ARRESTEE DESCRIPTION

Sex Male	Race White	Ethnicity Not Hispanic	Resident of Jurisdiction		
Hair Color	Eye Color	Height (Inches)	Weight (lbs.)	Body Build	Dexterity
Hair Type(s):	Hair Style(s):		Facial Hair :		
Complexion :		Appearance :			
Attire :	Speech :		Demeanor :		

IDENTIFYING MARKS

Type	Location	Description
------	----------	-------------

ARRESTEE INFO

Date Arrested :	Type of Arrest :
Multiple Clearance :	Disposition of Juvenile :
Suspect Was Armed With :	

SECTION VIII. ADDITIONAL POLICE OFFICERS

POLICE OFFICER

Name (b) (6) (7)(C)	Rank Chief Petty Officer		
Branch of Service Navy	Personnel Type MILITARY	Status Regular (Active)	Organization NSA MID-SOUTH

POLICE OFFICER

Name (b) (6) (7)(C)	Rank Chief Petty Officer
------------------------	-----------------------------

INCIDENT REPORT	INCIDENT NUMBER	REPORT NUMBER	REPORT TYPE
	(b) (6) (7)(C)	(b) (6) (7)(C)	INITIAL

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 5031; 44 U.S.C. 3103 and EO 9397

PRINCIPAL PURPOSE: Used to record information and details of criminal activity which may require investigative action by commanding officers, supervisors, security police, NCIS special agents, etc. Used to provide information to the appropriate individuals within DoD organizations who ensure that proper legal and administrative action is taken.

ROUTINE USES: Information may be disclosed to local, county, state and federal law enforcement or investigatory authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.

DISCLOSURE IS VOLUNTARY: SSN is used to positively identify the individual making the statement and as a conduit to check past criminal activity records.

SECTION I. ADMINISTRATIVE

Incident Subject : ARTICLE 134

Date Received 21-SEP-2019	Time Received 0700	Incident Received By Radio	Start Date / Time of Incident 21-SEP-2019 0700	End Date / Time of Incident 21-SEP-2019 1000
Weather : Clear			Lighting : Daylight	

SECTION II. COMPLAINANT(S)

SECTION III. OFFENSE(S)

OFFENSE

Offense : UCMJ - Article 134 - Disorderly conduct, drunkenness

Statutory Basis : UCMJ

On Base : YES

Offense Status : COMPLETED

Location :

Location Type : Hotel/Motel/Etc. (Includes other temporary military lodging)

Bias Motivation : No Bias

Offender Used : Alcohol

Type Weapon / Force Used :

Type of Criminal Activity :

SECTION IV. PROPERTY

SECTION IV. PROPERTY - NARCOTIC(S)

SECTION IV. PROPERTY - VEHICLE(S)

SECTION V. VICTIMS(S)

VICTIM			Victim Type Society/Public	DD2701 Issued
Name SOCIETY,			ID Num / UNKNOWN	Rank
Branch of Service	Personnel Type UNKNOWN	Status CIVILIAN	Date of Birth	Place of Birth
Sex :	Race :	Ethnicity :	Resident of Jurisdiction :	
Address				
Organization			UIC / RUC	Work Telephone

ADDITIONAL VICTIM INFORMATION

Offense(s) Committed Against This Victim : 1 - UCMJ - Article 134 - Disorderly conduct, drunkenness

Relationship of Victim to Suspect(s) :

Aggravated Assault Circumstances :

**Intox EC/IR-II:
Evidential Test**

NSA-MILLINGTON NAVAL
BASE SECURITY
Serial Number: 008347

Test Number: 958
Test Date: 09/21/2019
Test Time: 09:07:47 CDT

Subject Name:
ROSS, ERIK M
Subject Sex: Male

(b) (6) (7)(C)

(b) (6) (7)(C)

Time of Arrest: 08:37
County of Arrest: SHELBY

Accident Involved:
No Accident

System Check: Passed

Test g/210L Time

BLK	.000	09:28:54
SUBJ	.140	09:29:41
BLK	.000	09:30:55
SUBJ	.144	09:33:13

Test Status: Success

Final Result .140 g/210L

Observation Timer:
Start 1: 09:08:00 CDT

**Intox EC/IR-II:
Evidential Test**

NSA-MILLINGTON NAVAL
BASE SECURITY
Serial Number: 008347

Test Number: 958
Test Date: 09/21/2019
Test Time: 09:07:47 CDT

Subject Name:
ROSS, ERIK M
Subject Sex: Male

(b) (6) (7)(C)

(b) (6) (7)(C)

Time of Arrest: 08:37
County of Arrest: SHELBY

Accident Involved:
No Accident

System Check: Passed

Test g/210L Time

BLK	.000	09:28:54
SUBJ	.140	09:29:41
BLK	.000	09:30:55
SUBJ	.144	09:33:13

Test Status: Success

Final Result .140 g/210L

Observation Timer:
Start 1: 09:08:00 CDT

(b) (6) (7)(C)



DEPARTMENT OF THE NAVY

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

1. ADVISORY

I, (full name) RDMC ROSS, BRIK M. (b) (6) (7)(C)
 after being advised by MAC (b) (6) (7)(C) NSA MID-SOUTH SECURITY DEPT.
 that the NSA MID-SOUTH SECURITY DEPT.
 is conducting an investigation into the offense(s) of APT. IBH (ALCOHOL RELATED INCIDENT).

have been requested to permit a search of my BREATH SAMPLE UTILIZING INTOX II
INTOXIMETER.

2. CONSTITUTIONAL RIGHT

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

3. PERMISSION

This search may be conducted on (date) 21 SEP 2019
 by MAC (b) (6) (7)(C) NSA MID-SOUTH SECURITY DEPT.
 and I hereby give him/her/them my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

4. FREE DECISION

I make this decision freely and voluntarily and it is made with no threats having been made or promises extended to me.

a. Date

21 Sept '19

b. Signature

(b) (6) (7)(C)

5. WITNESSES

a. Signature

(b) (6) (7)(C)

b. Signature

6. TIMES OF SEARCH

a. Start

0927

b. End

0933

On 21Sep19 at approximately 0700, while patrolling received a call via Regional Dispatch Center stating there was a suspicious male wondering around the Navy Gateway Inn and Suites unclothed. At approximately 0702 I arrived on scene at spoke with the front desk personnel in regards to the whereabouts of the suspicious person, then proceeded to where he was last located.

Upon exiting the north entrance of the first floor I searched the immediate area and couldn't located the individual. I then proceeded halfway through the garden area and looked up towards the second floor of building 451 and saw the individual who was later identified as RDML Ross, Erik unclothed covering himself and against the bulkhead. I then radioed to the additional patrolman to have the front desk to verify that Ross was a guest and issue them a towel to cover Ross. I proceeded up the stairs to make contact with ROSS, as I traversed up the stairwell there was an overwhelming odor of feces within the stairwell which lead me to believe that Ross had relieved himself in or around the stairwell.

Once I approached Ross I noticed that there was urine and fecal matter in the immediate area he was standing and asked him his name, where he worked and at the same time trying to conceal him from any possible on lookers. Shortly thereafter Sgt. (b) (6) (7) (C) arrived with the towel and a room key to gain access to the room. Upon entry to the foyer area I observed clothing scattered around the area which I asked Ross were the items his belonging in which he stated that they were his belongings. The front desk personnel open the door to Ross's room as Ross was gathering his belongings from the area.

Once Ross gathered his belongings I asked Ross why he was outside of his room was unclothed, has this ever happened before and if he was taking any type of medications which would cause to act as such. He stated that he was here for a board and was stressed and tired along with he went out with a few of the other Admiral at the Samuel Adams Pub and had a few drinks then proceeded to his room around 0000.

At approximately 0815, MAC (b) (6) (7) (C) interviewed Ross in RM 213 (b) (6) (7) (C) asked Ross about the events leading to the incident. (b) (6) (7) (C) asked Ross if any of his current medications stated not to consume alcohol when taking the medications. Ross stated, I'm unsure, that is a good question I should ask my medical provider. (b) (6) (7) (C) asked Ross if he wanted to hurt himself or anyone else. Ross stated no. (b) (6) (7) (C) asked Ross if he would consent to a breath testing to determine if Ross was still intoxicated. Ross stated yes and complied with being detained and the breath testing.

At approximately 0825, I transported Ross to BLDG. 237 (Security) for a Blood Alcohol Content (B.A.C) reading and arrived at BLDG 237 at 0826, then placed Ross in Interview Room 31.

At approximately 0908, I observed (b) (6) (7) (C) commenced the observation period for the B.A.C test.

At approximately 0914, I observed (b) (6) (7) (C) informing ROSS of his Military Waiver of Rights.

At approximately 0929, I observed (b) (6) (7) (C) obtaining ROSS B.A.C readings of .140 and .144.

At approximately 0933, I observed ROSS completed testing.

After completion of the B.A.C testing, I asked Ross "How did he arrive to the installation?" in which he replied that he rented a vehicle from the Memphis International Airport. Myself and (b) (6) (7) (C) advised Ross not to drive. (b) (6) (7) (C) stated with his (Ross) current B.A.C level he (Ross) is twice the legal limit for B.A.C and it is illegal for him (Ross) to drive. He (Ross) would be breaking the law, risking a D.U.I or

possibly hurting or killing himself or someone else. Ross acknowledged and stated he would reach out to the Wood Hall travel specialist and get his flight moved to the next day.

At approximately 1000, I transported Ross back to BLDG. 451 and completed the transportation at 1002.

This statement is an accurate summary of my interview with RADM (b) (6) (7) (C) and is true and complete to the best of my knowledge.

(b) (6) (7) (C)

NSA Mid-South Security



The Memphis Landsmen LLC DBA
Budget Rent a Car of Memphis/Tupelo
2491 Winchester Memphis, TN 38116
901-332-2222 1-800-879-1227

www.budgetmemphis.com

ERIK M ROSS (b) (6) (7)(C)
T788355 US NAVY

OPERATION BY UNAUTHORIZED DRIVER WILL INVALUATE LIABILITY
PROTECTION AND LOSS DAMAGE WAIVER. VEHICLE
MAY BE REPOSSESSED FOR UNAUTHORIZED USE. X
AUTHORIZED COMPANY PERSON

Due back by 09/22/19 @ 04:30 to MEMPHIS, TN x

SA

RENTER MAY BE COVERED FOR COLLISION DAMAGE CLAIMS UNDER HIS PERSONAL AUTO INSURANCE.
IF SUCH COVERAGE EXISTS, RENTER MAY REQUIRE BUDGET TO SUBMIT SUCH CLAIMS TO RENTER'S
INSURANCE CARRIER.

It is expressly understood and agreed that the rented vehicle shall not be used or operated in any manner in Canada,
Mexico, or the state of New York. Any use or operation of such vehicle in Canada, Mexico, or the state of New York
shall specifically be without the permission of The Memphis Landsmen, L.L.C. and Memphis Funding, L.L.C. and shall
be a violation of this Rental Agreement. In the event that The Memphis Landsmen, L.L.C. and Memphis Funding, L.L.C.
are subjected to any claims, losses, injuries, liabilities, expenses, or costs related to the use, operation, maintenance, or
condition of the vehicle in Canada, Mexico, and/or the state of New York, the renter shall be responsible for payment of all
resulting liabilities, costs, and expenses, including attorney's fees.
IT IS EXPRESSLY AGREED AND UNDERSTOOD THAT THERE IS NO WARRANTY OF ANY KIND, FITNESS OR OTHERWISE, AS TO THE CONDITION
OF THE VEHICLE OR ANY PART OR ACCESSORY THEREOF, ITS MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, OR AS TO ANY
PATENT OR LATENT DEFECTS IN MATERIAL, WORKMANSHIP, OR OTHERWISE OF ANY VEHICLE COVERED BY THIS AGREEMENT. RENTER IS
RETURNING THIS VEHICLE FROM BUDGET "AS IS".

* ALL OF BUDGET'S OBLIGATIONS UNDER THIS AGREEMENT, INCLUDING ALL INSURANCE PROVISIONS HEREIN, ARE VOID IF VEHICLE IS USED OR
OPERATED IN VIOLATION OF THIS RENTAL AGREEMENT, HOWEVER, RENTER'S OBLIGATIONS AND RIGHTS ARE STILL IN FORCE;
* RENTER AUTHORIZES BUDGET TO DEBIT A CREDIT CARD VOUCHER IF APPLICABLE IN RENTER'S NAME FOR PAYMENT.
* OPERATION BY UNAUTHORIZED DRIVER WILL INVALUATE LIABILITY PROTECTION AND LOSS DAMAGE WAIVER.
* RENTER ASSUMES RESPONSIBILITY FOR ANY AND ALL PARKING AND TRAFFIC VIOLATIONS DURING THE TERM OF THE RENTAL.
I hereby authorize Budget to release my rental and charge card information to Verba Mobility, for the exclusive purpose of
processing and billing for tolls, fines, penalties and fees (violations). I agree to pay, upon billing, an administrative fee up to
\$50 for EACH unpaid violation incurred during the term of this rental. Renter understands and acknowledges that this
automatic payment of violations may cause renter to lose the ability to contest violations and fines.

* RENTER ACKNOWLEDGES RECEIPT OF ADDITIONAL TERMS
FOUND ON THE ADDITIONAL TERMS AND CONDITIONS FOLDER X



MEM10343262

RENTAL AGREEMENT (C)

ALL CHARGES SUBJECT TO FINAL AUDIT

Minimum charge - 1 day plus mileage
Daily rate is based on 24 hour day
May be subject to surcharge

Rate: CO BB
Unit miles
\$33.01 / Hour
\$39.79 / Day
\$198.99 / Week

MEM 13721816 / 3R13U7
--- RED Ram 1500 Warlock Cre

Out: MEMMEM 09/15/19 @ 16:07
Due: MEMMEM 09/22/19 @ 04:30
Miles Out: 7,504

FUEL LEVEL OUT: 8/8
RATES DO NOT INCLUDE GASOLINE

Time & Miles
\$8.99/Gal GAS
CFC \$4/Day
GARS \$5/Day
ERF \$1.85/DAY
11.11%ApFE
3%StateSur
2%ArenaTax
9.250% TAX

LOSS DAMAGE WAIVER (LDW)
Renter initials below to decline the optional
LDW. Renter will be responsible for the
FULL VALUE of any loss of or damage to the
vehicle, regardless of fault. LDW IS NOT
INSURANCE. RENTER'S OWN VEHICLE
INSURANCE MAY COVER ALL OR PART
OF SUCH DAMAGE.
DECLINE:

PERSONAL ACCIDENT COVERAGE (PAC)
Renter initials below to decline PAC for accidental loss of
life and medical coverage for Renter and each passenger.
See Brochure for a complete description of policy
for rate, benefits and exclusions.
DECLINE:

SUPPLEMENTAL LIABILITY INSURANCE
(SLI)
Renter initials to decline SLI which provides
supplemental liability insurance from an
independent insurance company in excess of
state statutory minimum limits.
DECLINE:

I AGREE TO ALL THE TERMS AND CONDITIONS ON THIS PAGE AND ON THE ADDITIONAL TERMS AND CONDITIONS FOLDER I WILL
RETURN THE VEHICLE TO THE RENT SITE OR SPECIFIED LOCATION OR BEFORE THE DUE BACK DATE OR A DROP CHARGE RATE
CHANGE MAY APPLY. UNDERSTAND AND ONLY AUTHORIZED DRIVERS AS DEFINED IN PARAGRAPH 4 MAY OPERATE THE VEHICLE

X
Renter's Signature

Additional Renter's Signature

I EXPRESSLY AGREE THAT ANY LIABILITY INSURANCE COVERAGE PROVIDED BY MY PERSONAL AUTO OR IF I RENTER OR ANY OTHER
INSURER IS PRIMARY FOR ANY ACCIDENT OR LOSS THAT OCCURS DURING THE USE OF THE BUDGET VEHICLE. PLEASE SEE PARAGRAPH 11.



The Memphis Landsmen LLC DBA
Budget Rent a Car of Memphis/Tupelo
2491 Winchester Memphis, TN 38116
901-332-2222 1-800-879-1227

www.budgetmemphis.com

ERIK M ROSS (b) (6) (7)(C)
T788355 US NAVY

OPERATION BY UNAUTHORIZED DRIVER WILL INVALUATE LIABILITY
PROTECTION AND LOSS DAMAGE WAIVER. VEHICLE
MAY BE REPOSSESSED FOR UNAUTHORIZED USE.
AUTHORIZED COMPANY PERSON

Due back by 09/22/19 @ 04:30 to MEMPHIS, TN x



MEM10343262

RENTAL AGREEMENT (C)

ALL CHARGES SUBJECT TO FINAL AUDIT

Minimum charge - 1 day plus mileage
Daily rate is based on 24 hour day
May be subject to surcharge

Rate: CO BB
0 Hours \$3.01 \$0.00
0 Days 39.79 \$0.00
1 Week 198.99 \$198.99

MEM 13721816 / 3R13U7
--- RED Ram 1500 Warlock Cre

In: MEMMEM 09/21/19 @ 11:55
Out: MEMMEM 09/15/19 @ 16:07
Miles In: 7,590
Miles Out: 7,504
Miles Driven: 86

Time & Miles 198.99
\$8.99/Gal GAS 0.00
CFC \$4/Day 24.00
GARS \$5/Day 30.00
ERF \$1.85/DAY 11.10
11.11%ApFE 26.67
3%StateSur 8.00
2%ArenaTax 5.50
9.250% TAX 26.90

Contract Total 331.16
MV 331.16
Balance Due 0.00

Item T City Loc Date Time Agent CC Amount
002 P MEMMEM 09/21/19 1155 1342 MV 331.16

Thank you for choosing Budget!

SUMMARY OF INTERVIEW

Name: RDML (b) (6) (7) (C)
Position/Title: (b) (6) (7)(C)
Date: 27 September 2019
Time: 1500 Central Time
Location: Telephone

Telephone Interview conducted between RADM (b) (6) (7)(C) and RDML (b) (6) (7) (C) regarding alleged incident involving RDML Erik Ross in Millington, TN on 21 September 2019. All times listed are Central Time.

The (b) (6) (7) (C) (CAPT (b) (6) (7)(C)) called me on my personal cell phone at 1023. The call lasted 3 minutes and 50 seconds and detailed an alcohol related incident involving RDML Ross. During the call, CAPT (b) (6) (7)(C) explained to me that RDML Ross was found walking naked that morning near the NGIS and at that time RDML Ross consented to a breathalyzer test with base security. The test registered a 0.14 BAC at approximately 0930.

CAPT (b) (6) (7)(C) relayed that RDML Ross had retired to his NGIS room and was advised not to drive to the Memphis Airport for his 1240 flight back to Norfolk. CAPT (b) (6) (7)(C) asked that I pay a visit to RDML Ross to check on his well-being. Suicide was a concern. Given that I was on the treadmill when CAPT (b) (6) (7)(C) called, I told him I would clean up and head directly over to NGIS (I live on base).

I met CAPT (b) (6) (7)(C) at the NGIS at 1058. We conferred about the situation and eventually made our way to RDML Ross' NGIS room. After getting no response from knocking on the door twice, I let myself in with the NGIS master key in the presence of CAPT (b) (6) (7)(C) and the NGIS Manager. RDML Ross was not in the room, nor were any clothes or luggage.

I then called RDML Ross on his personal cell phone at 1108. He did not answer but called me back at 1110. That call did not connect properly so I called him again and he answered at 1112. We spoke for 5 minutes and 34 seconds. He stated he was driving to the airport and was about 10-15 minutes away from his destination. He agreed that he probably should not be driving but he was confident he would make it there without incident. He mentioned that he thought he had an alcohol problem and wanted help. He asked that I call RADM (b) (6) (7) (C) in Norfolk and tell him about the incident as a first step in getting that help. I agreed and did talk with RADM (b) (6) (7)(C) who ultimately met him in Norfolk when he arrived.

RDML Ross reached out to me multiple times on his journey home, as I asked him to do as a way of ensuring he arrived safely. We talked briefly at 1214, 1224, and 1644 that day.

This statement is an accurate summary of my interview with RADM (b) (6) (7)(C) and is true and complete to the best of my knowledge.

(b) (6) (7)(C)

9 October 2019

On 21 September 2019, at approximately 0706 a.m. I, SGT (b) (6) (7) (C) went to the Navy Gateway Inns to respond to a call. MA1 (b) (6) (7) (C) asked me to pick up a towel from the front desk and bring it to the second floor of building 451. I approached the manager, (b) (6) (7) (C) and informed him I would need a towel and a key guard for the suspect room. I proceeded to the second floor with (b) (6) (7) (C) walking directly behind, and I noticed a white Caucasian male unclothed, along with bodily fluids, standing outside the outer locked door of the Navy Inn, and had not reached his assigned room. MA1 (b) (6) (7) (C) handed the suspect a towel and he proceeded to wrap the towel around the waist area of his body.

(b) (6) (7) (C) used his access card to gain entry into the foyer and the suspect room. Once inside the foyer, I observed the suspect's shoes, clothing and underwear laying on the floor in the foyer area. We escorted him into his room. I left him with MA3 (b) (6) (7) (C) and MA1 (b) (6) (7) (C) to speak to the witnesses that observed the suspect walking unclothed. I obtain a voluntary statement from the witness, then return to the suspect room, and obtained a voluntary statement from him. The suspect admitted to drinking heavily with other flag officers and needed to catch his flight at 1230 p.m. MA1 (b) (6) (7) (C) and MAC (b) (6) (7) (C) informed the suspect due to his BAC test results, he would not be allowed to operate a motor vehicle.

I departed the scene at approximately 0830 hours and returned to NSA police station to start the report.

"This statement is an accurate summary of my interview with RADM (b) (6) (7) (C) and is true and complete to the best of my knowledge."

Very Respectfully,

(b) (6) (7) (C)

SGT (b) (6) (7) (C)

NSA Mid-South Security

(b) (6) (7) (C)

DEPARTMENT OF THE NAVY
MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NSA MID-SOUTH
BLDG, 237, SECURITY

I, RDML ROSS, ERIC M., (b) (6) (7)(C)
have been advised by (b) (6) (7)(C) NSA MID-SOUTH SECURITY DEPT.
that I am suspected of ART. 134 (ALCOHOL RELATED INCIDENT)

I have also been advised that:

- ☒ (1) I have the right to remain silent and make no statement at all;
- ☒ (2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative Proceeding;
- ☒ (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- ☒ (4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- ☒ (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set for above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: (b) (6) (7)(C)
Date & Time: 21st Sept 0914

Witnessed: (b) (6) (7)(C)

Date & Time 21SEP19 0914

At this time, I, _____
desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no treats or promises having been extended to me.

ARTICLE 31 RIGHTS

Name: Erin M. Ross Rank/Rate: R0ML/07 Activity: C2F
 Unit: _____
 Telephone number: _____

I have been advised that I may be suspected of the offense(s) of:
UCMJ Art. 113, 133, 134 (See attached addendum) and that:

- ☒ I have the right to remain silent.
- ☒ Any statements I do make may be used as evidence against me in trial by court-martial.
- ☒ I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.
- ☒ I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- ☒ I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

- ☒ I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
 - ☒ I expressly desire to waive my right to remain silent.
 - ☒ I expressly desire to make a statement.
 - ☒ I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
 - ☒ I expressly do not desire to have such a lawyer present with me during this interview.
 - ☒ This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b) (6) (7)(C)

2 Oct 19CL MR 2 Oct 19

(Witness signature/date)

(Member signature/date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

8 Oct 2019

27 Sept 2019 on or about 11:23 I talked with RADM (b) (6) (7) (C) about my role as the (b) (6) (7) (C) involving an incident that occurred with RDML Ross (ESG 2) during his stay at NGIS onboard NSA Mid-South. Below is a summary of my interview with RADM Tammen:

- a. On 27 Sept at around 0630, I received a phone call from (b) (6) (7) (C). During the conversation, (b) (6) (7) (C) stated that I needed to return to the base because there was an incident involving a Flag Officer.
- b. I proceeded to Navy Gateway Inns and Suites (NGIS) at NSA Millington, TN due to flag officer involvement.
- c. RDML Erik Ross was very cooperative and calm.
- d. Video was taken of the scene – video was saved on CD ROM – will forward to JAG as evidence – discussed need to mark appropriately due to content.
- e. Confirmed that MAC (b) (6) (7) (C) recommended to RDML Ross that he did not drive to the airport and that assistance could be provided to change travel plans.
- f. (10:53) Called RDML (b) (6) (7) (C) about the incident to offer assistance based on the nature of the incident and to provide flag assistance.
- g. Treated the situation as we would have for any other sailor – processed by security and returned to command – in this case NGIS.
- h. Confirmed that when we went to RDML Ross' room with RDML (b) (6) (7) (C) RDML Ross had already departed for the airport.
- i. Indicated that RDML (b) (6) (7) (C) had phoned RDML Ross to determine his location, RDML Ross was enroute to the airport and was about 10 to 15 minutes from arriving.

This statement an accurate summary of my interview with RADM (b) (6) (7) (C) and is true and complete to the best of my knowledge.

(b) (6) (7) (C)

(b) (6) (7)(C)

(b) (6) (7)(C)

Mobile (b) (6) (7)(C)



Outgoing call

38secs

Saturday, September 21, 2019, 13:14



Missed call

Saturday, September 21, 2019, 13:00



Incoming call

5mins 36secs

Saturday, September 21, 2019, 12:12



Outgoing call

39secs

Saturday, September 21, 2019, 12:10



Missed call

Saturday, September 21, 2019, 12:08